United States District Court
For the Northern District of California

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4   **E-FILED on**   7/2/10

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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

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12   JACQUELINE C. MELCHER,   No. C-10-01856 RMW

13   Appellant,

                                                 ORDER TO DESIGNATE THE RECORD
14   v.   AND STATE ISSUES TO BE PRESENTED

15   JOHN W. RICHARDSON,

16   Appellee.

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18   Appellant filed a notice of appeal on April 14, 2010. The bankruptcy appeal was transferred

19   to this court on April 29, 2010. Pursuant to Federal Rule of Bankruptcy Procedure 8006, appellant

20   was required to filed with the clerk of the Bankruptcy Court and serve on the appellee a designation

21   of the items to be included in the record on appeal and a statement of issues to be presented within

22   14 days of filing the notice of appeal. Appellant has failed to do so. Consequently, on June 1, 2010,

23   the court issued an order to show cause why the case should not be dismissed for lack of prosecution.

24   Appellant claims that she did not receive notice that the appeal had been transferred to this

25   court and thus did not know whether her appeal was being heard at the Bankruptcy Appellate Panel

26   or at the district court.[1] However, regardless of whether the appeal is to be heard by the Bankruptcy

27   _____

28   [1] The court therefore attaches the notice of filing transfer of appeal to district court, which was filed
     on April 30, 2010, to this order.

     ORDER TO DESIGNATE THE RECORD AND STATE ISSUES TO BE PRESENTED—No. C-10-01856 RMW
     CCL

1 Appellate Panel or by this court, appellant was required to file a designation of the record with the

2 clerk of the Bankruptcy Court within 14 days after filing the notice of appeal.

3   The court hereby orders appellant to file with the clerk of the Bankruptcy Court and serve on

4 appellee a designation of the items to be included in the record on appeal and a statement of the

5 issues to be presented no later than July 16, 2010. Further failures to comply with time limits or

6 other rules of court may well result in dismissal of the case. Appellant has a responsibility to inform

7 herself as to the requirements for perfecting the record and pursuing her appeal.

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10 DATED: 7/2/10

11   RONALD M. WHYTE
                                    United States District Judge

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ORDER TO DESIGNATE THE RECORD AND STATE ISSUES TO BE PRESENTED—No. C-10-01856 RMW
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Jacqueline C. Melcher   No. C-10-01856 RMW

          Appellant,

v.

John W. Richardson

          Appellee.
_____/

RE: Jacqueline C. Melcher aka Jacqueline Carlin

        Bankruptcy Case: 01-53251

        Adversary No.:

        BAP No.: NC-10-1136

        Appellant: Jacqueline C. Melcher aka Jacqueline Carlin

        This Court has received a copy of the Notice of Appeal and objection to referral to the Bankruptcy Appellate Panel.

        The appeal has been assigned the following case number, C-10-01856 RMW before the Honorable Ronald M. Whyte.

        Upon the completion by parties of the perfection of the record pursuant to BR 8006 and 8007, the Bankruptcy Court will transmit a copy of the record on appeal to this court for docketing.

        Pursuant to Fed. R. Bankr. P. 8010 and B.L.R. 8010-1, the appellant must serve and file a brief not exceeding 25 pages in length 30 days after the record on appeal has been entered on the District Court docket.

        The appellee must serve and file a brief not exceeding 25 pages in length 20 days after service of appellant's brief. If the appellee has filed a cross-appeal, the brief of appellee must contain the issues and argument pertinent to the cross-appeal, denominated as such.

1   The appellant must serve and file a reply brief not exceeding 15 pages in length 10 days after

2 service of appellee's brief. If the appellee has filed a cross-appeal, the appellant must include its

3 opposition in its reply brief .

4   The appellee may serve and file a reply to the opposition to any cross appeal not exceeding

5 15 pages in length 10 days after service of appellant's brief.

6   Pursuant to B.L.R. 8010-1, upon completion of the briefing, the assigned District Judge will

7 set a date for oral argument, if needed; otherwise, the matter will be deemed submitted for decision.

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9 Dated: Apr 30, 2010

10   For the Court
                        Richard W. Wieking, Clerk

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12   /s/ Diane Miyashiro

13   By: Deputy Clerk

14 cc: USBC
      Counsel of Record

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28 Bkcy Intake (5-08)